

FILED
CLERK

2:38 pm, Mar 14, 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
STEPHEN FLANAGAN, AS A TRUSTEE OF
THE GENERAL BUILDING LABORERS'
LOCAL 66 PENSION FUND, STEPHEN
FLANAGAN, AS A TRUSTEE OF THE
GENERAL BUILDING LABORERS' LOCAL
66 WELFARE FUND, STEPHEN
FLANAGAN, AS TRUSTEE OF THE
GENERAL BUILDING LABORERS' LOCAL
66 ANNUITY FUND, STEPHEN FLANAGAN,
AS A TRUSTEE OF THE GENERAL
BUILDING LABORERS' LOCAL 66
LABORERS' EMPLOYER COOPERATIVE
AND EDUCATIONAL TRUST FUND,
STEPHEN FLANAGAN, AS A TRUSTEE OF
THE GENERAL BUILDING LABORERS'
LOCAL 66 GREATER NY LABORERS'
EMPLOYER COOPERATIVE AND
EDUCATIONAL TRUST FUND, STEPHEN
FLANAGAN, AS A TRUSTEE OF THE
GENERAL BUILDING LABORERS' LOCAL
66 TRAINING PROGRAM, STEPHEN
FLANAGAN, AS A TRUSTEE OF THE
GENERAL BUILDING LABORERS' LOCAL
66 NEW YORK STATE HEALTH AND
SAFETY FUND, STEPHEN FLANAGAN, AS
BUSINESS MANAGER OF GENERAL
BUILDING LABORERS' LOCAL UNION NO.
66 OF THE LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA, AFL-CIO,

Plaintiff(s),

-against-

MEDWAY CONSTRUCTION INC., NARZIM
MOHAMMED,

Defendant(s).

-----X

ADOPTION ORDER

15-cv-5229 (ADS) (GRB)

APPEARANCES:

LaVelle Law & Associates, P.C.

Attorney for the Plaintiffs

57 East Main Street

Patchogue, NY 11772

By: William Troy LaVelle, Esq., Of Counsel

NO APPEARANCES:

Medway Construction Inc., Narzim Mohammed

The Defendants

SPATT, District Judge:

On September 15, 2016, the Clerk of the Court noted the default of the Defendants Medway Construction Inc., and Narzim Mohammed (the “Defendants”). On March 22, 2017, the Plaintiffs Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Pension Fund; Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Welfare Fund; Stephen Flanagan, as Trustee of the General Building Laborers' Local 66 Annuity Fund; Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Laborers' Employer Cooperative and Educational Trust Fund; Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Greater NY Laborers' Employer Cooperative and Educational Trust Fund; Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 Training Program; Stephen Flanagan, as a Trustee of the General Building Laborers' Local 66 New York State Health and Safety Fund; and Stephen Flanagan, as Business Manager of General Building Laborers' Local Union No. 66 of the Laborers' International Union of North America, AFL-CIO (collectively, the “Plaintiffs”) moved for a default judgment against the Defendants.

On March 23, 2017, the Court referred the Plaintiffs’ motion to United States Magistrate Judge Gary R. Brown for a report and recommendation.

On February 22, 2018, Judge Brown issued a report and recommendation (the “R&R”) recommending that the Plaintiffs’ motion be granted; that a default judgment be entered against the Defendants; and that the Plaintiffs be awarded \$7,400.88, inclusive of damages, and costs.

On February 26, 2018, the Plaintiffs filed proof that they served the R&R on the Defendants.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

This order does not close the case, as the Plaintiffs have renewed their motion for attorneys’ fees.

SO ORDERED.

Dated: Central Islip, New York

March 14, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge